

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph P. Rynd, *et al.*
Application No.: 10/722,929
Filing Date: November 26, 2003
Confirmation No.: 1182
Group Art Unit: 1791
Examiner: Jeffrey Wollschlager
Title: Method Of Forming Thermoplastic Foams Using Nano-
Particles To Control Cell Morphology

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
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DECLARATION UNDER 37 C.F.R. §1.131

I, Rodger Lightle, hereby declare that:

1. I am currently an employee of Owens Corning and have been employed by Owens Corning since 1994. I currently hold the job title Engineer, Plant and Licensee Support. I have reviewed the above-identified patent application and WO 2001/39954 to Grinshpun, *et al.* and understand that the claims of the application have been rejected with WO 2001/39954 to Grinshpun, *et al.* being cited as the primary reference.
2. During my employment at Owens Corning, I have had the chance to work with various extruders and dies used in the manufacture of foams. I am familiar with the formation of foam boards using the disclosed extrusion process. I am also familiar with the LMP Co-rotating Twin Screw Extruder with Static Cooler using a Flat face shaper die/shaper plate and the Leistritz MIC 27 GL/400 Co-rotating Twin Screw Extruder using a 20X2 mm Flat Slot Die disclosed in Table 1 on page 10 of the above-identified application. I have

worked with these dies and ones similar to these dies for the last 36 years. It is my opinion that one skilled in the art would understand from reading the description of the application and Table 1 on page 10 that the disclosed dies would form a solid, contiguous foam board.

3. It is my experience that foam boards produced with the extrusion process described in the above-identified application utilizing the disclosed extruders and associated dies found in Table 1 on page 10 of the application have a solid or otherwise contiguous foam structure throughout the foam board. The dies disclosed on page 10 in Table 1 contain a single opening to extrude a solid, contiguous sheet of foamed material.

4. It is my opinion that the multi-holed orifice of the dies disclosed and used in WO 2001/29954 to Grinshpun, *et al.* are not the same as the single slot dies disclosed in Table 1 on page 10 of the instant application. It is also my opinion that the multi-holed dies of Grinshpun are used to form foamed structures that contain hollow tubes. The dies of Grinshpun do not produce a solid, contiguous foam board such as is described in the present application. I respectfully submit that the foams of the instant invention and the foams of Grinshpun are two entirely different foam structures.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: Sept 24, 2009

Rodger Lightle
Rodger Lightle